

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

#### CONFERENCE

**Call to Order:** By **CHAIRMAN RIC HOLDEN**, on April 12, 1999 at 3:35 P.M., in Room 410 Capitol.

#### ROLL CALL

**Members Present:**

Sen. Mack Cole  
Sen. Barry Stang  
Rep. Jay Stovall  
Rep. Don Hedges  
Rep. Steve Gallus

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** None.

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) HB 129  
Executive Action:

### HB 129

**Senator Holden** said HB 129 is a Bill that deals with tow-truck drivers' immunity and the House has rejected the Senate Amendments so he asked **Rep. Stovall, Sponsor**, the issue he had with Senate Amendments.

**Rep. Stovall** said when he first introduced this Bill many entities were against it, but when he got the firemen, law-enforcement people and the tow-truck operators together, put it in a sub-committee, then came up with a Bill they were satisfied with. The House gave it a 68-28 vote

and then the Senate put the amendments on it and most of the entities say they don't like the amendments, especially the tow-truck operators. He would like to take all the amendments off.

**Senator Holden** said on Amendment #1, Page 7, Line 17, the Senate struck out "for in response to any other hazard on the roadway" and inserted "after highway crash scene that presents an immediate hazard or an emergency or life-threatening situation is not liable". Amendment #2 is on Page 8, Lines 5 and 6 and that Section strike "if highway warning signs are posted by an operator of an authorized emergency vehicle" and inserted "a violation code is considered reckless endangerment of highway workers, and is punishable". That simply refers back into the Bill again. Amendment #3, Page 10, Line 5, is the same train of thought as #1.

**Discussion:**

**Al Smith, Executive Director, Montana Trial Lawyers Association .**

**Rep. Don Hedges** said any other hazard on the roadway such as a truck that has spilled a load might not be an immediate hazard because a tow-truck operator coming out would properly sign to remove that spilled load and should have the same immunity as if he was responding to a collision.

**Mr. Smith** said that is an immediate hazard. **Rep. Hedges** said this clears that up so there would never be a dispute.

**Senator Holden** re-directed to **Bob Gilbert, Tow-Truck Drivers Association**. If this is correct, as far as the Amendments go, if they re-inserted that segment of that sentence in the rest of the Amendments would that be fine with his people? **Mr. Gilbert** said yes, on the Section for the public and for the tow-truck operators to re-insert the hazardous language that was stricken.

**Senator Stang** said he thought the reason they took it out was because it was redundant. In response to any other hazard on the roadway, such as a highway crash, would present an immediate hazard. Anytime there is any scene on the highway, it is an immediate hazard as far as he is concerned. Anything that disrupts the flow of traffic.

**Rep. Stovall** said it needs to be made very clear, and the original language did make it clear, that it wouldn't have to be an emergency. He can't see any reason to strike that language.

**Motion:** **Rep. Hedges** so moved Amendment 129902.ace.

**Discussion:** **Connie Erickson, Staffer from Legislative Services**, asked for clarification.

**Senator Holden** said they would leave in the language that the Senate put in but would also put back in the language that was originally in the Bill.

**Rep. Stovall** asked **Mr. Gilbert** if that satisfied his concerns and **Mr. Gilbert** said yes.

**Vote: Motion carried 5-1 with Senator Stang voting no.**

**A Motion was made to Adjourn at 3:50 p.m.**

**ADJOURNMENT**

Adjournment: 3:50 P.M.

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**Senator Ric Holden, Chairman**

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**Mary Lou Schmitz, Secretary**

RH/mls

**EXHIBIT** (cch79hb0129aad)